

AUG 26 2004

LITIGATION PLAN
(Revised Effective 11/17/03)

____ M. REC'D ____
LODGED _____ FILED 8

DATE OF CASE MANAGEMENT CONFERENCE: Aug. 18, 2004

CASE NO: 04-362-E-BLW NATURE OF SUIT: Plane Crash Damages
Product Liability

CASE NAME: Brook Nef, et al. v. Engine Components, et al

PARTY SUBMITTING PLAN:

- ☒ Plan **has been** stipulated to by all parties.
☐ Plan **has not been** stipulated to, but is submitted by:

ATTORNEY: Alan C. Stephens

REPRESENTING: Plaintiffs

1. **CASE MANAGEMENT TRACK:** Indicate the track that best fits your case. Designation of a track is not binding but will assist the Court in assessing its workload and selecting a trial date and discovery schedule that meets counsel's needs.

- ☐ **Expedited Track** - Cases on this track will typically be set for trial approximately 9 to 12 months following the case management conference; take 4 days or less to try; and involve limited discovery.
- ☒ **Standard Track** - Cases on this track will typically be set for trial approximately 12 to 15 months following the case management conference; and take about 5-10 days to try.
- ☐ **Complex Track** - Cases on this track will typically be set for trial approximately 15 to 24 months following the case management conference; take 10 days or more to try; involve extensive discovery with staggered discovery schedules; and have extensive expert testimony.
- ☐ **Legal Track** - Cases that involve legal issues likely to be resolved by motion rather than trial. A motion hearing will be set at the case management conference.

2. **DISPOSITIVE MOTIONS FILING CUT-OFF DATE:** Dec. 1, 2005

- a. This is the critical event for case management and will dictate when the trial will be set. Unless the case is resolved through dispositive motions, the case will be tried approximately 6 months following this date. Therefore, it is strongly recommended that this cut-off date be set within 3-6 months following the case management conference for an expedited track case, within 6-12 months for a standard track case, and within 9-18 months for a complex track case.
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3. **JOINDER OF PARTIES & AMENDMENT OF PLEADINGS CUT-OFF DATE:**
Dec. 1, 2004

(Not more than 3 months following the Case Management Conference).

4. **ADR PLAN TO BE FILED WITH ADR COORDINATOR BY:** Dec. 1, 2004
(90 days after the Case Management Conference).

- a. The ADR Plan must indicate the form of ADR which will be utilized and the timeframe within which it will be completed. Regardless of whether the parties choose mediation, a judicially-supervised settlement conference, or some other form of ADR, the Court strongly encourages the attorneys to schedule ADR early in the proceedings and in advance of the filing of dispositive motions so as to reduce the cost of litigation for their clients. In addition, the trial will be set very soon after the resolution of dispositive motions so that there will be little time to engage in meaningful ADR after that date.

5. **DISCOVERY PLAN PROPOSED. Fed. R. Civ. P. 26(f):** Initial disclosures September 17, 2004.
No unusual circumstances requiring modification
of the Rules.

6. **DISCOVERY CUT-OFF DATE:** Nov. 1, 2005
(15-30 days prior to the dispositive motion cutoff).

- a. Counsel may, however, stipulate that after dispositive motions have been decided the parties will engage in additional discovery focused on trial preparation. This may include discovery relating to damage claims and other issues not typically resolved by dispositive motions.

7. **EXPERT TESTIMONY DISCLOSURES: Local Rule 26.2(b)**

- a. Plaintiff identify and disclose expert witnesses by: July 1, 2005
(60 days prior to the discovery cut-off).
b. Defendant identify and disclose experts by: Sept. 1, 2005
(30 days after Plaintiff's disclosure.)
c. Disclosure of rebuttal experts by: Oct. 1, 2005
(2 weeks after Defendant's disclosure.)

8. **TRIAL DATE:** The date of the trial and the pretrial conference will be scheduled at a trial scheduling conference following the resolution of dispositive motions and the conclusion of court-supervised ADR.

9. **ESTIMATED LENGTH OF TRIAL:** six (6) to ten (10) days

Jury demanded? yes Jury demanded by which party? plaintiff, one
defendant